

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ikunoshia KATO et al.
 Application No.: 09/937,375
 Filed: September 24, 2001
 For: GENE THERAPEUTICS



Art Unit: 1635

Examiner: J. Angell
 Washington, D.C.
 Atty.'s Docket: KATO=18

Corres. and Mail
BOX AF

Date: February 25, 2005
Confirmation No. 8012

RESPONSE UNDER 37 CFR 1.110
EXPEDITED PROCEDURE
EXAMINING GROUP 1635

THE COMMISSIONER OF PATENTS
 U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building, Mail Stop AF
 401 Dulany Street
 Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] REPLY: AMENDMENT AND REMARKS in the above-identified application.

[] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.
 [XX] No additional fee is required.
 [] The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 3	MINUS ** 20	0
INDEP.	* 1	MINUS *** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

ADDITIONAL FEE TOTAL

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
x 25	\$	x 50	\$
x 100	\$	x 200	\$
+ 180	\$	+ 360	\$
ADDITIONAL FEE TOTAL		TOTAL	

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
 If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 60.00
 [] Second - \$ 225.00
 [] Third - \$ 510.00
 [] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[] First - \$ 120.00
 [] Second - \$ 450.00
 [] Third - \$ 1020.00
 [] Fourth - \$ 1590.00

Month After Time Period Set

[] Less fees (\$ _____) already paid for ____ month(s) extension of time on _____.

[] Please charge my Deposit Account No. 02-4035 in the amount of \$ _____.

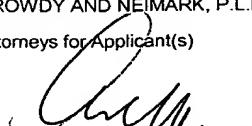
[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ _____.

[] A check in the amount of \$ _____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By: 
 Anne M. Kombau
 Registration No. 25,884



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KATO=18

In re Application of:) Art Unit: 1635
Ikunoshin KATO et al) Examiner: J. E. Angell
I.A. Appln. PCT/JP00/01533) Washington, D.C.
I.A. Filing Date: 3/14/2000)
U.S. Appln. No. 09/937,375) Confirmation No. 8012
Nationalized: 9/24/2001)
For: GENE THERAPEUTICS) February 25, 2005

REPLY: AMENDMENT AND REMARKS

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Replying to the Office Action mailed December 1, 2004, please amend as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.